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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/789,824 | 02/27/2004 | James Howell | 23-0460 | 3786 |
| 40158 | 7590 | 11/30/2005 | EXAMINER | |
| WOODS FULLER SHULTZ & SMITH P.C. ATTN: JEFFREY A. PROEHL P.O. BOX 5027 SIOUX FALLS, SD 57117 | | | THOMAS, DAVID B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3723 | |
| DATE MAILED: 11/30/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/789,824 | HOWELL, JAMES | |
| | Examiner | Art Unit | |
| | David B. Thomas | 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 7, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rossini (4,102,375).

Rossini discloses a tool holder 10 (see Fig. 7) that may be applied to a handle of a screwdriver. Holder 10 can be slightly modified by use of a handle 48' which does not necessarily have a counterbore 54 and ratchet device 56, -- shank 14 being slidably keyed to handle 48' in a conventional manner (not shown) -- but receives a key-shaped turning bar 62 provided with a boss 64 having formed therein a cavity 66 which fits over the free end of handle 48'. Hole 65 permits access to a ratchet 58 when bar 62 is employed with a handle 48. The latter is preferably provided with flutes 68 which engage in channels 70 provided in cavity 66 of turning bar 62 so as to extend substantially parallel to the extent of handle 48' and slidably engage with flutes 68. In this manner, turning bar 62 may be slidably placed on and removed from handle 48', while being restrained from rotational movement relative to handle 48' in order to facilitate rotation of the associated holder.

3. Claims 1-3, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Condon (3,752,202).

4. Claims 1-3, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Keyes et al. (2,725,086), or Halsey (1,632,227).

5. Claims 1-3, 6, 10-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rea (2,653,637).

6. Claims 1-3, 8, 9, and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodman (3,957,096).

The examiner notes that the embodiment of the auxiliary handle directed to the retaining means comprising a chuck assembly has been illustrated in Fig. 3 of the present application. If the applicant considers element 2 of the screwdriver to be a handle of a "conventional screwdriver", and the examiner finds no support in the specification to the contrary, then the examiner takes the position that Rodman discloses the invention as claimed.

7. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Tontz, Sr. (6,922,870).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Condon, Halsey, Keyes et al., Rossini, or Tontz, Sr., as applied above, as being obvious in

view of Carossino (4,566,357) or Sjoberg (2,241,965), who each, respectively, teach a retaining means having a set screw, or set screws, for connecting two tool elements together.

Conclusion

10. The prior art made of record and not relied upon at this time is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 10-7 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David B. Thomas
Primary Examiner
Art Unit 3723

dbt